

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)	
)	
Peter Steffen EBERT)	
)	
Patent No.: 7,571,129)	
)	
Issued: August 4, 2009)	
)	
For: APPARATUS AND METHODS OF)	Confirmation No.: 7477
VISUALIZING NUMERICAL)	
BENCHMARKS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF REQUEST FOR RECALCULATION OF
PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

In view of the decision in Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010), the undersigned believes the above-identified application is entitled to additional patent term adjustment. The attached PTO/SB/131 is submitted in accordance with the procedures outlined in the "Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos Regarding the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)," posted on the PTO's website on January 28, 2010.

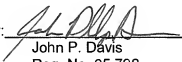
This paper meets the PTO's requirements because patentee's sole basis for requesting reconsideration of the patent term adjustment is the PTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), and this patent was issued before March 2, 2010, and no more than 180 days prior to the filing of this paper.

In accordance with the PTO's interim procedure, no fee is required with this request. If however, the PTO determines that a fee is required, such fee should be charged to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 29, 2010

By: 
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